

IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF PENNSYLVANIA

RECEIVED

MICHAEL FROST

vs.

U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

MAY 14 2010

CIVIL PROCESS NO.

10-117

EQUITY, ET AL

CRAWFORD CO. CT. OF COMMON PLEAS, ET AL

COMMONWEALTH OF PENNSYLVANIA, ET AL

ERIE CO. CT. OF COMMON PLEAS, ET AL

D.O.C. CAMPHILL, ET AL

SCI ALBION, ET AL

GORDON R. MILLER P.J.

PATRICIA A. WETHERBEE CLERK OF COURT

FRANCIS J. SCHULZ D.A.

BRIE C. DIGIACOMO ASSISTANT D.A.

SCOTT HALL PUBLIC DEFENDER

DAN MASON PUBLIC DEFENDER

EDWARD HATHAWAY PUBLIC DEFENDER

MARK SWARISFAGER DETECTIVE

KELLEY KEPLER CRAWFORD CO. C.Y.S.

CRAWFORD CO. SHERIFFS, ET AL

THOMAS CORBETT PA. STATE ATTY. GEN.

ERIE CO. C.Y.S. KELLEY KEPLER

ERIE CO. D.A. JACK DAUERT

JEFFERY BEARD D.O.C. SECRETARY

JUDITH VIG ? D.O.C. RECORDS

Defendants

Defendants

IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF PENNSYLVANIA

CIVIL PROCESS

Requested

JURY TRIAL

DISCOVERY

COUNSEL

HEARING

RESTRANDING ORDER

RELEASE ORDER

DEAR PROTHONOTARY/COURT ADMINISTRATOR  
CIVIL PROCESS

COMPLAINT IN EQUITY

JURISDICTION 18 U.S.C. 1201 FL KIDNAPPING, UNLAWFUL RESTRAINT AND DETENTION

RICO ACT, CIVIL RIGHTS ACT

WRET OF MANDAMUS / INJUNCTION

RELIEF IN 28 U.S.C 2241(C)(3)-<sup>ss</sup> 2243 and 28 U.S.C. 1331,<sup>ss</sup> 1343(Q)(3)-<sup>ss</sup> 1367, 42 U.S.C. 1983-1987 & <sup>ss</sup> 1985

MURKIN v. CROSBY, 351 F.3d 1049, AT 1060 { 11<sup>th</sup> Cir. 2003 }

AFFIDAVIT OF PROBABLE CAUSE

NOW COME PETITIONER MICHAEL FROST, THIS 13<sup>th</sup> DAY OF MAY, 2010 FOR INFORMATIONERS FOR APPOINTMENT OF INDEPENDENT COUNSEL OR A SPECIALMASTER AND/OR GRAND JURY TO INVESTIGATE AND PROSECUTE THE PETITIONERS KIDNAPPING, UNLAWFUL RESTRAINT AND DETENTION AND FOR THE CLERK ISSUE RESTRAINING ORDER ON THE NAMED AGENCIES AND DEFENDANTS, DUE TO A CONFLICT OF INTEREST AND PREJUDICE BY THE STATE ATTORNEY GENERAL THOMAS CORBETT AND OFFICE, WHO HAD UPON INFORMATION AND BELIEF HAD AUTHORIZED SAID KIDNAPPING AND SEIZURE THRU THESE AGENCIES AND DEFENDANTS

Whom unlawfully restrained and has detained to present the Petitioner lacking probable cause and Jurisdiction since 1999. Then upon Fraud and Corruption, Tresson (Violation of OATH) thru CIVIL CONSPIRACY with all named Agencies and Defendants created A Fraudulent Civil and Criminal process to hold Petitioner indefinitely under 198 of 1999 and 1288 of 1999 lacking Probable cause/Jurisdiction, ARREST, ARRAIGNMENT, charges and information to present by a invalid process and void Judgement. And the petitioner contends that all of his constitutional Rights in the Bill of Rights in the U.S.C.A. 1, 4, 5, 6, 8, 9, 11, 13 and 14<sup>th</sup> were violated and his Civil Rights, Due process, Equal Protection, Double Jeopardy and ALIENATION from association from his family were violated. Upon the illegal seizure and kidnapping from December 15<sup>th</sup> 1999 to present lacking Probable cause/Jurisdiction by these Agencies and Defendants as required pursuant to Pa. const. ART. 1<sup>st</sup> §, U.S.C.A. 4<sup>th</sup> to the 14<sup>th</sup> constituting an illegal seizure. And the Petitioner has a right to a restraining ORDER and released, with an injunction and order. And to BE compensated compensatory and punitive damages by these Agencies and Defendants whom acted under the color of law \$1,500 A Day per agencies, per individual, severally and Jointly IN their individual and official capacity.

NOTE: including cruel & unusual punishment to the U.S.C.A. 8<sup>th</sup> and 14<sup>th</sup>.

As no man is above the Law United States v. NIXON  
(1974) nor can they claim immunity or Executive  
Privilege when Done in Fraud and corruption.

There fore the petitioner Request this Honorable court  
To order the Crawford County court of common pleas to  
Provide state court Records IN CR 0000198-1999 and  
1284 of 1999 to sustain the petitioners claims and to  
Grant the petitioner Relief Requested and any other  
Relief this Honorable court Deems necessary and Appropriate.

U.S. C. A. 5, 6, 9 to the 14th Rights.

cc: united states District court  
clerk of court

R. Michael Frost  
EG2433 AB39  
Eric Co. Regional Jail  
10745 Route 18  
Albion Pa. 16475-0009

Respectfully submitted  
May 13<sup>th</sup> 2010  
Michael Frost  
Michael Frost

Declaration /Verification

I, MICHAEL FROST, SWEAR/AFFRIM UNDER THE PENALTIES PROVIDED FOR UNDER 18 PA. C.S.A. 4904 THAT THE FACTS CONTAINED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Respectfully Submitted

MICHAEL FROST

MICHAEL FROST PG 2433

# 10745 Route 18

Albion Pa. 16415 - 5002

Date: May 13<sup>th</sup>, 2010

**COMMONWEALTH OF PENNSYLVANIA**

COUNTY OF CRAWFORD

To any authorized person:

In the Commonwealth of Pennsylvania, you are commanded to take into custody AMY L. NICOLS, DOB: 6/01/63 M WHITE MICHAEL ALLAN FROST, Address: 45041 HARRISON ROAD SPARTANSBURG, PA 16434

If the defendant be found in said Commonwealth, and bring the defendant before us at AMY L. NICOLS, PA 16354 PA ST POLIC-CORRY TOWNE, (Address) to answer the Commonwealth or

(Political Subdivision)

upon the complaint or citation of SWARTZAGER, MARK A 18 S 3121 SSA6 (9 COUNTS)

and further to be dealt with according to law, and for such purposes this shall be your sufficient warrant.

Witness the hand and official seal of the issuing authority on this

day of December, 99.

SEAL

Magisterial District No. 30-3-06

Sealed

Citation No. 12/15/99

Costs \$

Other: \$

Total: \$

Amount needed to satisfy collateral: \$

Reason for warrant:

**FELONY**

COPY : DEFENDANT

**RETURN WHERE DEFENDANT IS FOUND**

By authority of this warrant

12/15

- I took into custody the within named MICHAEL ALLAN FROST before \_\_\_\_\_.
- He is now at liberty on bail posted before \_\_\_\_\_.
- in the \_\_\_\_\_ jail.
- before you for disposition.
- I accepted a guilty plea and collected \$ \_\_\_\_\_ for fine and costs.
- I accepted a not guilty plea and collected \$ \_\_\_\_\_ for collateral.
- I accepted the fine and costs due in the amount of \$ \_\_\_\_\_.

(Defendant's Signature) MICHAEL ALLAN FROST

(Signature of Officer & Title) Mark A. Swartzager

**WARRANT OF ARREST**

WARRANT CONTROL NO:

**0568266**

DOCKET NUMBER:

**CR - 0000198 - 99**

OF  
**PENNSYLVANIA**

VS.  
**MICHAEL ALLAN FROST**

OFFENSE DATE 2/14/98

CHARGE

**18 § 3121 SSA6**

I acknowledge that I am voluntarily and knowingly pleading guilty. I paid to the officer the fine and costs stated in the warrant in the amount of \$ \_\_\_\_\_.

(Defendant's Signature) MICHAEL ALLAN FROST

I acknowledge that I am voluntarily and knowingly pleading not guilty. I paid to the officer the collateral for my appearance at trial stated in the warrant in the amount of \$ \_\_\_\_\_.

(Defendant's Signature) MICHAEL ALLAN FROST

(Signature of Officer & Title) Mark A. Swartzager

**RETURN WHERE DEFENDANT IS NOT FOUND**

(Defendant's Signature) MICHAEL ALLAN FROST

(Signature of Officer & Title) Mark A. Swartzager

SIGNATURE

NAMES @

MILES @

COMMITTEE

SEARCHING TO

FEES @

TOTAL

12/15/99  
30-3-06

DISTRICT JUDGEMENT SYSTEM  
COMMONWEALTH OF PENNSYLVANIA

PAGE 1  
ADDITIONAL CHARGES

WARRANT OF ARREST

COMMONWEALTH OF PENNSYLVANIA  
VS  
FROST, MICHAEL ALLEN

CHARGE

DESCRIPTION

18 §3123 §§A6 (8 COUNTS)	INVOLUNTARY DEVIATE SEXUAL INTERCOURSE
18 §4302 §§ (9 COUNTS)	INCEST
18 §3125 §§1 (3 COUNTS)	AGGRAVATED INDECENT ASSAULT
18 §3125 §§7 (3 COUNTS)	AGGRAVATED INDECENT ASSAULT
18 §4304 §§A (3 COUNTS)	ENDANGERING WELFARE OF CHILDREN
18 §6301 §§A1 (6 COUNTS)	CORRUPTION OF MINORS
18 §3126 §§A1 (20 COUNTS)	INDECENT ASSAULT
18 §3126 §§A7 (20 COUNTS)	INDECENT ASSAULT

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### § 1201. Kidnapping

(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when—

(1) the person is wilfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary if the person was alive when the transportation began;

(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 46501 of title 49;

(4) the person is a foreign official, an internationally protected person, or an official guest as those terms are defined in section 1116(b) of this title; or

(5) the person is among those officers and employees described in section 1114 of this title and any such act against the person is done while the person is engaged in, or on account of, the performance of official duties;

shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

(b) With respect to subsection (a) (1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, decoyed, inveigled, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person

has been transported to interstate or foreign commerce. Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended.

- (c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.
- (d) Whoever attempts to violate subsection (a) shall be punished by imprisonment for not more than twenty years.
- (e) If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 46501(2) of title 49. For purposes of this subsection, the term "national of the United States" has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

- (f) In the course of enforcement of subsection (a) (4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a) (4), the Attorney General may request assistance from any Federal State, or local agency, including the Army, Navy, and Air Force, and statute, rule, or regulation to the contrary notwithstanding.
- (g) **Special rule for certain offenses involving children.—**
  - (1) **To whom applicable.—**If—
    - (A) the victim of an offense under this section has not attained the age of eighteen years, and
    - (B) the offender—
      - (I) has attained such age; and
      - (II) is not—
        - (I) a parent;
        - (II) a grandparent;
        - (III) a brother;
        - (IV) a sister;
        - (V) an aunt;
        - (VI) an uncle; or

(VII) an individual having legal custody of the victim; the sentence under this section for such offense shall be subject to paragraph (2) of this subsection.

**(2) Guidelines.**—The United States Sentencing Commission is directed to amend the existing guidelines for the offense of "kidnapping, abduction, or unlawful restraint," by including the following additional specific offense characteristics: If the victim was intentionally maltreated (i.e., denied either food or medical care) to a life-threatening degree, increase by 4 levels; if the victim was sexually exploited (i.e., abused, used involuntarily for pornographic purposes) increase by 3 levels; if the victim was placed in the care or custody of another person who does not have a legal right to such care or custody of the child either in exchange for money or other consideration, increase by 3 levels; if the defendant allowed the child to be subjected to any of the conduct specified in this section by another person, then increase by 2 levels.

(h) As used in this section, the term "parent" does not include a person whose parental rights with respect to the victim of an offense under this section have been terminated by a final court order. (June 25, 1948, c. 645, 62 Stat. 760; Aug. 6, 1956, c. 971, 70 Stat. 1043; Oct. 24, 1972, Pub.L. 92-539, Title II, § 201, 86 Stat. 1072; Oct. 8, 1976, Pub.L. 94-467, § 4, 90 Stat. 1998; Nov. 9, 1977, Pub.L. 95-163, § 17(b)(1), 91 Stat. 1286; Oct. 24, 1978, Pub.L. 95-504, § 2(b), 92 Stat. 1705; Oct. 12, 1984, Pub.L. 98-473, Title II, § 1007, 98 Stat. 2139; Nov. 10, 1986, Pub.L. 99-646, §§ 36, 37(b), 100 Stat. 3599; Nov. 29, 1990, Pub.L. 101-647, Title IV, § 401, Title XXXV, § 3538, 104 Stat. 4819, 4925; July 5, 1994, Pub.L. 103-272, § 5(e)(2), (8), 108 Stat. 1373, 1374; Sept. 13, 1994, Pub.L. 103-322, Title VI, § 60003(a)(6), Title XXII, §§ 320903(b), 320924, Title XXXII, § 330021, 108 Stat. 1969, 2124, 2131, 2150; Apr. 24, 1996, Pub.L. 104-132, Title VII, § 721(f), 110 Stat. 1299; Pub.L. 105-314, Title VII, § 702, Oct. 30, 1998, 112 Stat. 2987.)

(h) As used in this section, the term "parent" does not include a person whose parental rights with respect to the victim of an offense under this section have been terminated by a final court order. (June 25, 1948, c. 645, 62 Stat. 760; Aug. 6, 1956, c. 971, 70 Stat. 1043; Oct. 24, 1972, Pub.L. 92-539, Title II, § 201, 86 Stat. 1072; Oct. 8, 1976, Pub.L. 94-467, § 4, 90 Stat. 1998; Nov. 9, 1977, Pub.L. 95-163, § 17(b)(1), 91 Stat. 1286; Oct. 24, 1978, Pub.L. 95-504, § 2(b), 92 Stat. 1705; Oct. 12, 1984, Pub.L. 98-473, Title II, § 1007, 98 Stat. 2139; Nov. 10, 1986, Pub.L. 99-646, §§ 36, 37(b), 100 Stat. 3599; Nov. 29, 1990, Pub.L. 101-647, Title IV, § 401, Title XXXV, § 3538, 104 Stat. 4819, 4925; July 5, 1994, Pub.L. 103-272, § 5(e)(2), (8), 108 Stat. 1373, 1374; Sept. 13, 1994, Pub.L. 103-322, Title VI, § 60003(a)(6), Title XXII, §§ 320903(b), 320924, Title XXXII, § 330021, 108 Stat. 1969, 2124, 2131, 2150; Apr. 24, 1996, Pub.L. 104-132, Title VII, § 721(f), 110 Stat. 1299; Pub.L. 105-314, Title VII, § 702, Oct. 30, 1998, 112 Stat. 2987.)

## HISTORICAL AND STATUTORY NOTES

### Revision Notes and Legislative Reports

**1948 Act.** Based on Title 18, U.S.C., 1940 ed., §§ 408a, 408c (June 22, 1932, c. 271, §§ 1, 3, 47 Stat. 326; May 18, 1934, c. 301, 48 Stat. 781, 782.)

Section consolidates sections 408a and 408c of said Title 18, U.S.C., 1940 ed.

Reference to persons aiding, abetting or causing was omitted as unnecessary because such persons are made principals by section 22 of this title.

Words "upon conviction" were omitted as surplusage, because punishment can-

in order to remove all doubt as to whether "term of years" includes life imprisonment.

Minor changes were made in phraseology.

**1956 Acts.** Senate Report No. 2820, see 1956 U.S. Code Cong. and Adm. News, p. 4373.

**1972 Acts.** Senate Report No. 92-1105 and House Conference Report No. 92-1485, see 1972 U.S. Code Cong. and Adm. News, p. 4316.

**1976 Acts.** House Report No. 94-1614, see 1976 U.S. Code Cong. and Adm. News, p. 4480.

**1977 Acts.** House Report Nos. 95-301, 95-14, and 95-15, and House Conference Report No. 95-773, see 1977 U.S. Code Cong. and Adm. News, p. 3383.

**1978 Acts.** House Report No. 95-1211 and House Conference Report No. 95-1779, see 1978 U.S. Code Cong. and Adm. News, p. 3737.

**1984 Acts.** House Report No. 98-1030 and House Conference Report No. 98-1159, see 1984 U.S. Code Cong. and Adm. News, p. 3182.

**1986 Acts.** House Report No. 99-797, see 1986 U.S. Code Cong. and Adm. News, p. 6138.

**1990 Acts.** House Report Nos. 101-681(Paris I and II) and 101-736, Senate Report No. 101-460, and Statement by President, see 1990 U.S. Code Cong. and Adm. News, p. 6472.

**1994 Acts.** House Report No. 103-180, see 1994 U.S. Code Cong. and Adm. News, p. 818.

House Report Nos. 103-324 and 103-489, and House Conference Report No. 103-711, see 1994 U.S. Code Cong. and Adm. News, p. 1801.

**1996 Acts.** Senate Report No. 104-179 and House Conference Report No. 104-518, see 1996 U.S. Code Cong. and Adm. News, p. 924.

**1998 Amendments.** Subsec.

Pub.L. 105-314, § 702(a), inserted "regardless of whether the person was alive when transported across a State boundary if the person was alive when the transportation began", before the semicolon.

The phrase "for any term of years or for life" was substituted for the words "for such term of years as the court in its discretion shall determine" which appeared in said section 408a of Title 18, U.S.C., 1940 ed. This change was made

to remove all doubt as to whether "term of years" includes life imprisonment.

Subsec. (a)(5). Pub.L. 105-314, § 702(b), struck "designated" and inserted "described".

Subsec. (b). Pub.L. 105-314, § 702(c), added "Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended."

**1996 Amendments.** Subsec. (e). Pub.L. 104-132, § 721(f), added "For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), following section 46501(2) of title 49," and substituted "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of a national of the United States, or (2) an offender is afterwards found in the United States, or (3) an offender is afterwords found in the United States, or for "If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender."

**1994 Amendments.** Heading. Pub.L. 103-322, § 330021(1), substituted "Kidnapping" for "Kidnaping" as the section heading.

**1994 Amendments.** Subsec. (a)(3). Pub.L. 103-272, § 5(e)(8), substituted "section 46501 of the Federal Aviation Act of 1958," for "section 101(38) of the Federal Aviation Act of 1958."

**1994 Amendments.** Heading. Pub.L. 103-322, § 330021(1), substituted "Kidnapping" for "Kidnaping" as the section heading.

**1994 Amendments.** Subsec. (a). Pub.L. 103-322, § 60003(a)(6), inserted in the provisions following par. (5) the phrase "and, if the death of any person results, shall be punished by death or life imprisonment".

**1994 Amendments.** Subsec. (b). Pub.L. 103-322, § 330021(2), substituted "kidnapped" for "kidnaped".

**1994 Amendments.** Subsec. (d). Pub.L. 103-322, § 320903(b), substituted "subsection (a)" for "subsection (a)(4) or (a)(5)".

**1994 Amendments.** Subsec. (e). Pub.L. 103-322, § 5(e)(2), substituted "section 46501(2) of title 49," for "section 101(38) of the Federal Aviation Act of 1958."

Proof of SERVICE

CIVIL process no.

I, MICHAEL FROST verify THIS 13<sup>th</sup> DAY of MAY, 2010 THAT A TRUE  
DUPLICATE OF THE FOREGOING COMPLAINT IN Equity WAS SERVED UPON  
THE FOLLOWING PARTIES FOR DOCKETING BY THE PROTHONOTARY AS A CIVIL PROCESS.

VIA: CERTIFIED MAIL NO. 7007 0710 0000 2129 3773

The UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
OFFICE OF THE CLERK  
FOR THE PROTHONOTARY  
17 SOUTH PARK ROAD  
P.O. BOX 1820  
ERIE, PA. 16507

Respectfully Submitted

*Micheal Frost*  
cc: MICHAEL FROST

EG2433 AB 34

ERIE CO. REGIONAL JAIL  
10745, Recife 18  
ALBION, PA. 16425-0002

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2. COVER SHEET / LIST DEFENDANTS
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4. DECLARATION/VERIFICATION SWORN STATEMENT
- 5 IN FORMA PAUPERIS FORM

EXHIBITS

1. CRIMINAL COMPLAINT NO. 198 OF 1999 ARREST WARRANT 2 PG.
2. 18 U.S.C. 1201 FL KIDNAPPING, UNLAWFUL RESTRAINT AND DEFENDANT'S STATUS

Respectfully submitted  
MAY 13<sup>th</sup>, 2010

MICHAEL FROST  
EG2433 AB-39

ERIE CO. REGIONAL JAIL  
10745, Route 18  
ALBION, PA. 16475-0002